

KENTUCKY LAND PATENTS

History, Components, & Series



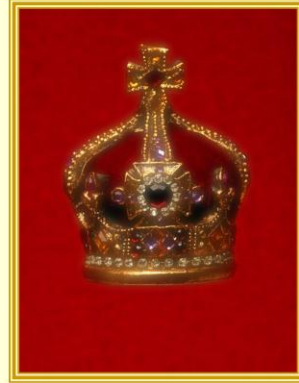
Elaine N. Walker

Kentucky Secretary of State


Welcome to "Land Office Seminar A" presented by the Kentucky Secretary of State's Office at the American Association of Professional Landmen Spring Seminar, March 3, 2011, in Pikeville, Kentucky.



King George III of England



Kentucky's system of land appropriation was established by King George III of England. The warrant, entry, survey, and grant process is still in effect today under Chapter 56 of the Kentucky Revised Statutes.



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King's Proclamation of 1763

PROCLAMATION OF 1763
BY ENGLAND'S KING GEORGE III

GEORGE R.

WHEREAS, we have taken into our royal consideration the extensive and valuable acquisitions in America, secured to our crown by the late definitive treaty of peace, concluded at Paris the 10th day of February last, and being desirous that all our loving subjects, as well of our kingdoms as of our colonies in America, may avail themselves, with all convenient speed, of the great benefits and advantages which must accrue therefrom to their commerce, manufactures, and navigation; we have thought fit, with the advice of our privy council, to issue this our royal proclamation, hereby to publish and declare to all our loving subjects, that we have, with the advice of our said privy council, granted our letters patent, under our great seal of Great Britain to erect within the countries and islands ceded and confirmed to us by the said treaty, four distinct and separate governments, styled and called by the names of Quebec, East Florida, West Florida, and Grenada, and limited and bounded as follows, viz.

FIRST. -- The government of Quebec, bounded on the Labrador coast by the river St. John, and from thence by a line drawn from the head of that river, through the lake St. John, to the south end of the lake Nipissim; from whence the said line crossing the river St. Lawrence, and the lake Champlain, in forty-five degrees of north latitude, passes along the high lands which divide the rivers that empty themselves into the said river St. Lawrence, from those which fall into the sea; and also along the north coast of the bay de Chaleurs and the coast of the gulf of St. Lawrence, to cape Rosieres; and from thence, crossing the mouth of the river St. Lawrence, by the west end of the island of Anticosti, terminates at the aforesaid river St. John.

SECONDLY. -- The government of East Florida, bounded to the westward by the gulf of Mexico, and Apalachicola river; to the northward by a line drawn from that part of the said river where the Chatahouchee and Flint rivers meet, to the source of St. Mary's river, and by the course of the said river to the Atlantic ocean; and to the eastward and southward by the Atlantic ocean, and the gulf of Florida, including all islands within six leagues of the sea coast.

THIRDLY. -- The government of West Florida, bounded to the southward by the gulf of Mexico, including all islands within six leagues of the coast, from the river Apalachicola to lake Pontchartrain; to the westward, by the said lake, the lake Maupas, and the river Mississippi; to the northward, by a line drawn due east from that part of the river Mississippi which lies in thirty one degrees north latitude, to the river Apalachicola or Chatahouchee; and to the eastward, by the said river.

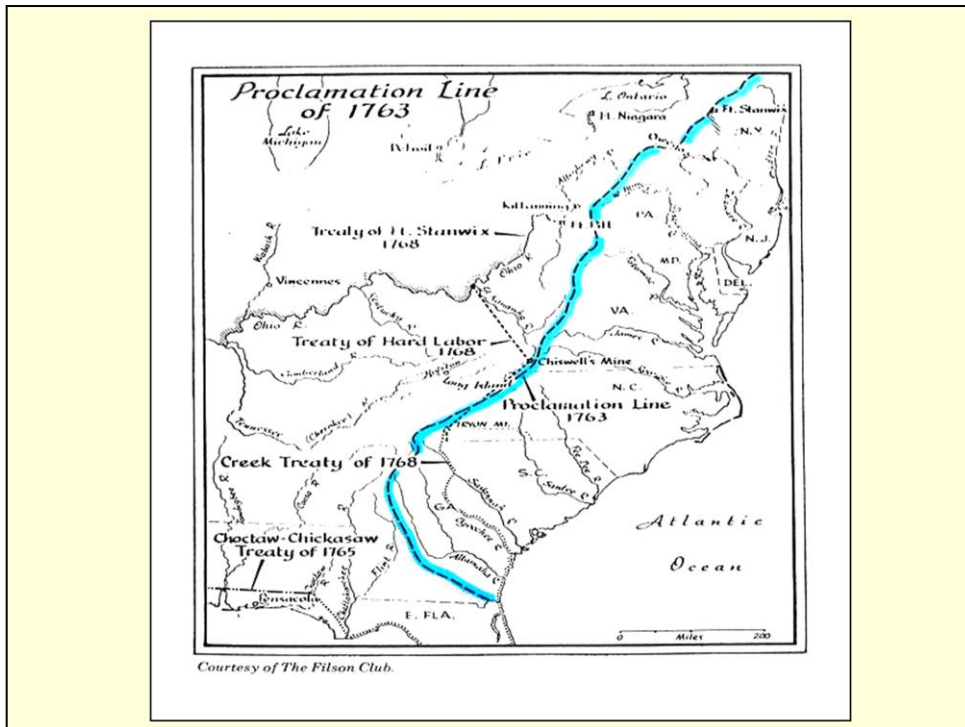
FOURTHLY. -- The government of Grenada, comprehending the island of that name, together with the Grenadines, and the islands of Dominica, St. Vincent, and Tobago.

And, to the end that the open and free fishery of our subjects may be extended to, and carried on upon, the coast of Labrador, and the adjacent islands, we have thought fit, with the advice of our said privy council, to put all that coast, from the river St. Johns to the Hudson's straits, together with the islands of Anticosti and Madelaine, and all other smaller islands, lying upon the said coast, under the care and inspection of our governor of Newfoundland.

We have also, with the advice of our privy council, thought fit, to annex the islands of St. John's and Cape Breton, or Isle Royale, with the lesser islands adjacent thereto, to our government of Nova Scotia.

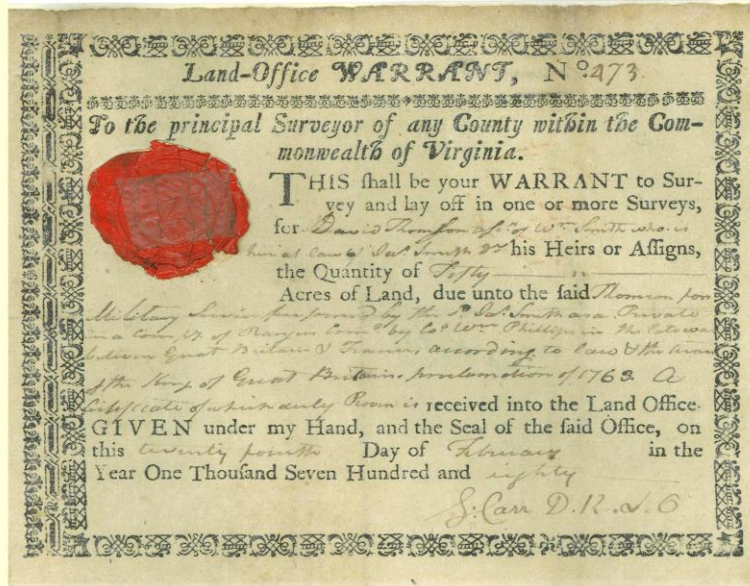
We have also, with the advice of our privy council, aforesaid, annexed to our province of Georgia all the lands lying between

The King addressed land appropriation in his Proclamations of 1754 & 1763. Complete text of both proclamations is included on the Kentucky Secretary of State's Land Office website under "Legislation," "Virginia & Old Kentucky Patents" channel.



According to the King's Proclamation of 1763, settlers' claims were confined to the area east of the Proclamation Line. The area west of the Line was reserved for Native Americans.

Treaties with Native Americans, the impending War of Independence, the desire for a "fresh start," and the potential for extensive land speculation were among the factors that encouraged land agents and settlers to cross the Proclamation Line into the western territories—including Kentucky.

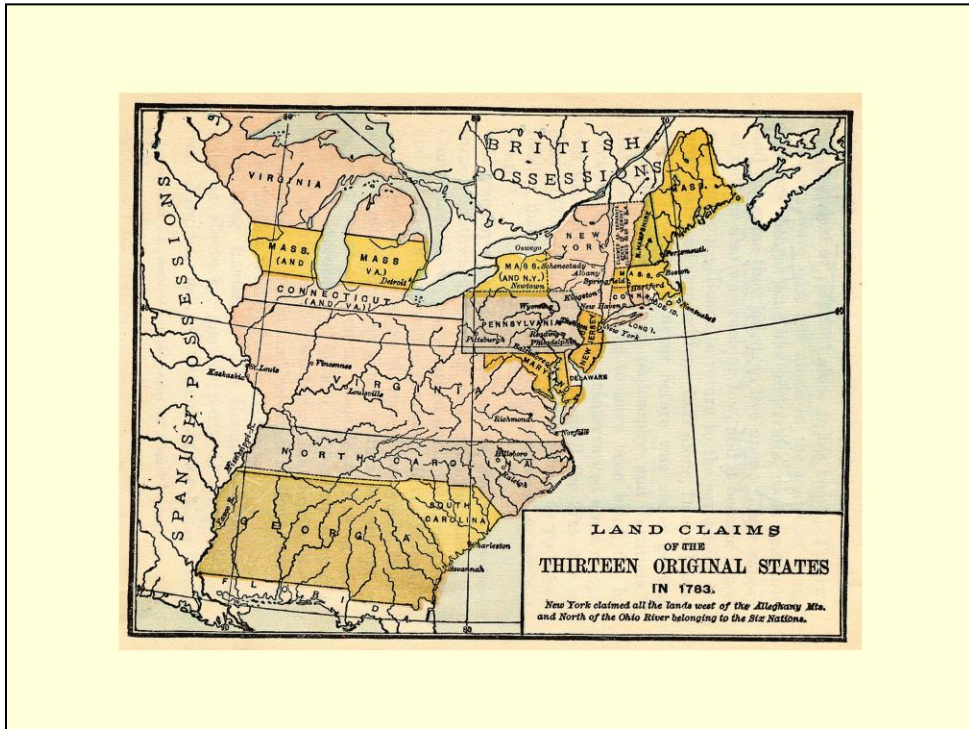


To research French & Indian War Warrants used in Kentucky by veterans, heirs, or assignees, access "A Calendar of the Warrants for Land in Kentucky, Granted for Service in the French & Indian War," abstracted by Philip Fall Taylor.

To further establish he was in charge of land appropriation, rather than surveying companies and speculators, King George III announced the process for paying soldiers who had served in the French & Indian War and Lord Dunmore's War in his Proclamation of 1763. Soldiers were to be issued bounty warrants that authorized land surveys; the amount of the acreage was determined by the soldier's rank and term of service. Warrants could be assigned or used by the soldier's heirs. Warrants did not identify a specific location.

Warrant 473 was issued to David Thompson, assignee of William Smith, heir-at-law of James Smith, Jr. The Warrant authorized a fifty acre survey within "any county" of the Commonwealth of Virginia for Smith's service as a Private in a Company of Rangers commanded by Col. William Phillips in the late War between Great Britain and France, according to law and the terms of the King of Great Britain's Proclamation of 1763. This warrant was not issued for service in the Revolutionary War. The soldier who was paid for his service was James Smith, Jr., not David Thompson. The date the warrant was issued also indicates James Smith, Jr., was deceased by February 24, 1780.

Several hundred warrants, issued for service in the French & Indian War and Lord Dunmore's War, authorized patents in Kentucky. Those patents are available online under the "Virginia & Old Kentucky Patents" channel of the Kentucky Secretary of State's Land Office website.



At the close of the Revolutionary War, most colonies devised a system for paying their soldiers with bounty land warrants rather than money. A Military District was established in the area South of Green River in Kentucky and along the Little Miami River in Ohio for soldiers who had served in the Virginia State Line or Virginia Continental Line. Veterans from other states could not use their military bounty land warrants to patent land within those areas. The Kentucky Military District was opened to settlers who met age & residency requirements in 1795. At that time soldiers from other states, as well other settlers, could patent land under the non-military “South of Green River Patent Series.”

To research the locations of military districts, the availability of records, and the names of thousands of veterans, we recommend “Revolutionary War Bounty Land Grants Awarded by State Governments” by Lloyd Bockstruck.

Please note the southern boundary line separating (what was then) Virginia and North Carolina extends to 36 degrees, 30 minutes latitude. Patents were issued by Virginia and Kentucky in the area that would later become northern Tennessee. Under the terms of the Compact with Tennessee, the early patents were declared valid. Over 4300 Warrants, Surveys, & Grants for Tennessee land were issued by Kentucky Governors before and during boundary negotiations. Those patents are filed in the “South of Walker’s Line Patent Series” and are housed in the Kentucky Secretary of State’s Land Office. Complete text of the Kentucky-Tennessee Compact is available on the Land Office Website, under the “Reference Library,” “Legislation,” “South of Walker’s Line” channel.

Kentucky's Original Three Counties



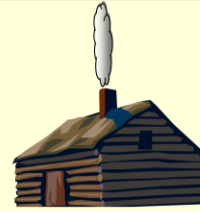
From 1772 to 1776 the area now known as Kentucky and portions of West Virginia and Virginia were identified as Fincastle County. The size of the county was problematic for settlers needing to travel to the county seat at Lead Mines.

In 1776 Fincastle County was divided into three counties: Kentucky, Montgomery, and Washington. Please note the latter two counties are not the same Montgomery and Washington counties that were established inside Kentucky borders in 1797 and 1792 respectively.

In 1780 Kentucky County was divided into three counties: Fayette (county seat: Lexington); Jefferson (county seat, Louisville); and Lincoln (county seat, Harrodsburg). All three counties converge in Frankfort where Benson Creek flows into the Kentucky River. (The Kentucky History and Holiday Inn are in old Fayette County. As you look across Kentucky River, the area left of Benson Creek is old Lincoln County; the area right of Benson Creek is old Jefferson County.) Franklin County was formed in 1795 out of Mercer (daughter of Lincoln), Shelby (daughter of Jefferson), and Woodford (daughter of Fayette) counties.

Researching county formation dates is critical when studying all aspects of Kentucky History & Land Title. The "County Formation Table" is available on the Secretary of State's Land Office Website under the "Reference Library" Channel.

LAND CLAIMS PRIOR TO THE ESTABLISHMENT OF THE VIRGINIA LAND OFFICE



As “various & vague claims to unpatented land under the former and present government may produce tedious and infinite litigation and disputes, and in the mean time purchasers would be discouraged from taking up lands upon terms lately prescribed by law, whereby the fund to be raised in aid of the taxes for discharging the public debt, would be in great measure frustrated”, the Virginia General Assembly approved legislation in May 1779 that addressed early land claims prior to the establishment of the land patenting process. *(See complete text of Land Law 1779 (A) in the Legislation portion of the Secretary of State's Land Office Reference Library at <http://www.sos.ky.gov>)*

After the Revolutionary War, the Virginia government approved laws that determined land appropriation in Kentucky in an effort to: (1) reduce litigation & disputes; (2) encourage land acquisition; and (3) generate tax revenue for reduction of the public debt.

It is interesting to note the same system of governmental land appropriation employed by the King of England was adopted by the Virginia Government after the Revolutionary War. The same system of land appropriation adopted by the Virginia Government was adopted by the Commonwealth of Kentucky after statehood in 1792.

EARLY KENTUCKY LAND CLAIMS

Key Provisions of Land Law 1779 (A):

- **All surveys upon any of the western waters prior to January 1, 1778, based on Entries filed with the county surveyor prior to October 26, 1763, would be honored. There was a 400 acre limit. Authorizing Warrants had to be: (1) issued under the King's Proclamation; (2) issued by any former Governor of Virginia; or (3) purchased as Treasury Rights. (Section I)**
- **Future Proclamation claims were limited to Virginia veterans or Warrants issued by Virginia Governors. This law excluded land claims for service in companies or militia detachments. (Section III)**

Warrants authorized by the King's Proclamation and certain Entries were declared valid under Land Law A approved by the Virginia General Assembly thus permitting the completion of unfinished patents.

- **Bona fide settlers ‘upon the western waters’ prior to January 1, 1778, were entitled to 400 acres of land including their settlement. Proof of planting a crop of corn or a residency of at least one year was required. (Sections IV & V)**
- **Settlers could purchase a preemption warrant to patent an additional 1000 acres adjoining their settlement claim. (Section V)**
- **Persons who settled ‘upon the western waters’ after January 1, 1778, were entitled to a 400 acre Preemption Warrant claim which included their settlement. (Section V)**
- **Persons who had “marked out” claims and built any house or hut or made any other improvements prior to January 1, 1778, were entitled to one 1000 acre preemption warrant if the Land Commission approved their claim. (Section V) Note: This covered “chop claims” as well as lottery cabins.**
- **All locations (Entries) made by officers & soldiers upon lands of actual settlers were declared void. (Section V)**

Settlers in Kentucky prior to January 1, 1778, who had planted a crop of corn or who had resided in Kentucky for at least one year prior to January 1, 1778, were entitled to a 400 acre Certificate of Settlement. (This is frequently called a “corn and cabin claim.”)

Settlers who wanted more than 400 acres could purchase an additional, and adjacent, 1000 acres by purchasing a Preemption Warrant. The Warrant would follow the same patenting process as all other warrants.

Persons who had settled in Kentucky after January 1, 1778, could purchase a 400 acre Preemption Warrant that included their settlement.

Early Chop Claims were addressed with 1000 acre Preemption Warrants.

Settlement claims “trumped” military claims.

To research “Certificates of Settlement” and “Preemption Warrants,” access the “Certificates of Settlement & Preemption Warrants Database” on the Kentucky Secretary of State’s Land Office Website.

- VIII. **And whereas** the claims of various persons to the lands herein allowed to the inhabitants, in consideration of their settlements, and of those who, by this act, are entitled to preemption at the state price, as well as of the settlers on the lands surveyed for sundry companies by orders of council as aforesaid, may occasion numerous disputes, the determination of which depending upon evidence, which cannot, without great charge and trouble, be collected, but the neighborhood of such lands will be most speedily and properly made by commissioners in the respective counties; *be it enacted, that the counties on the western waters shall be allotted into districts, to wit: the counties of Monongalia; Yohogania, and Ohio, into one district; the counties of Augusta, Botetourt, and Greenbrier, into one district; the counties of Washington and Montgomery, into one other district; and the county of Kentucky, shall be another district;* for each of which district, the governor, with the advice of the council, shall appoint four commissioners under the seal of the commonwealth, not being inhabitants of such district (any three of whom may act) to continue in office eight months from the end of this present session of assembly, for the purpose of collecting, adjusting, and determining such claims, and four months thereafter for the purpose of adjusting the claims of settlers on lands surveyed for the aforesaid companies. *(Reference: "Virginia Land Law A", 1779)*

According to the Virginia Land Law of 1779, Land Commissioners were to be appointed to hear claims and resolve disputes involving land ownership in Virginia's western counties, one of which was Kentucky.

Authorizations by the Land Commissioners may be viewed on the "Certificates of Settlement & Preemption Warrants" channel of the Kentucky Secretary of State's Land Office Website. The site links to scanned images of patent files in the Virginia & Old Kentucky Patent Series.

Entries in the Land Commissioners' Journal, often called the "Doomsday Book," are also available on the "Certificates of Settlement & Preemption Warrants" channel.

ESTABLISHMENT OF TREASURY & TREASURY EXCHANGE WARRANTS

Chapter XIII, Approved May 1779 by the Virginia General Assembly
(To read the entire Act, see "*Land Office Reference Library,
Legislation, Virginia & Old Kentucky Patents, Land Law 1779 B*" on
this website.)

II.....And for creating a sinking fund in aid of the annual taxes to discharge the public debt: *be it enacted*, that any person may acquire title to so much waste and unappropriated land as he or she shall desire to purchase, on paying the consideration of forty pounds for every hundred acres, and so in proportion for a greater or smaller quantity, and obtaining certificate from the public auditors in the following manner: the consideration money shall be paid into the hands of the treasurer, who shall thereupon give to the purchaser a receipt for the payment, specifying the purpose it was made for, which being delivered to the auditors, they shall give to such person a certificate thereof, with the quantity of land he or she is thereby entitled to.

The Virginia Land Law addressed speculators and other individuals desirous of appropriating land in Kentucky, but who did not meet military or settlement criteria, with the establishment of Treasury Warrants. Thousands of acres in Kentucky were patented by Treasury Warrants purchased from the Virginia Land Office. It was not uncommon for speculators to purchase multiple Treasury Warrants then hire an agent to travel to Kentucky to select land for patenting. Land Office Staff have seen notations on the back of Treasury Warrants that declare the purchaser would assign half the land to the agent if the patent cleared and wasn't challenged.

REVOLUTIONARY WAR WARRANTS ISSUED TO
VIRGINIA VETERANS, HEIRS, AND ASSIGNEES &
THE ESTABLISHMENT OF THE
VIRGINIA MILITARY DISTRICT IN KENTUCKY

III.....No entry or location of land shall be admitted within the county and limits of the Cherokee Indians, or on the north west side of the Ohio River, or on the lands reserved by act of the assembly for any particular nation or tribe of Indians, or on the lands granted by law to Richard Henderson and company, or in that tract of country reserved by resolution of the general assembly for the benefit of the troops serving in the present war, and bounded by the Green River and a south east course from the head thereof to the Cumberland Mountains; with the said mountains to the Carolina line, with the Carolina line to the Cherokee or Tennessee River; with the said river to the Ohio River, and with the Ohio to the said Green River, until the farther order of the general assembly. (*Virginia Land Law B, 1779*)

Land areas occupied by Native Americans were declared “off limits” for patenting as well as the 200,000 acre grant issued to Richard Henderson & Company and the area northwest of the Ohio River. The Land Law further established the Kentucky Military District for Virginia veterans of the Revolutionary War.

Legislation passed by the Virginia General Assembly & research by Lloyd D. Bockstruck indicates Virginia paid the following bounties for service in the Revolutionary War:

- Sailor who served his 3 yr enlistment or to the end of the war -- 100 acres
- Soldier who served his 3 yr enlistment or to the end of the war -- 100 acres
- Noncommissioned officer who enlisted & served his 3 yr enlistment -- 200 acres
- Sailor who served throughout the war -- 400 acres
- Soldier who served throughout the war -- 400 acres
- Noncommissioned officer who served throughout the war -- 400 acres
- Subaltern-Cornet -- 2000 to 2666 acres
- Subaltern-Ensign -- 2000 to 2666 acres
- Subaltern-Lieutenant -- 2000 to 2666 acres
- Surgeon's Mate -- 2666 to 8000 acres
- Surgeon -- 2666 to 8000 acres
- Chaplain -- 2666 to 8000 acres
- Captain -- 3000 to 4666 acres
- Major -- 4000 to 5333 acres
- Lt. Colonel -- 4500 to 6666 acres
- Colonel -- 5000 to 8888 acres
- Brigadier General -- 10,000 acres +
- Major General -- 15,000 to 17,500 acres



The minimum acreage awarded by Virginia for service in the Revolutionary War was 100 acres. Some states limited the allowance to 50 acres.

Virginia Revolutionary War Warrants: Per Rank

Note: Several soldiers received multiple warrants due to additional bounty land awards or replacement of lost warrants. This listing, compiled from the Kentucky Land Office Revolutionary War Warrants Database, reflects rank identification rather than unique individual service. Warrants issued by Virginia after October 29, 1793, are not included.

Adjutant	1
Artificer	2
Boatswain	6
Bombadier	1
Brigade Chaplain	2
Brigadier General	14
Captain	346
Captain Lieutenant	27
Carpenter	3
Chaplain	1
Colonel	41
Commodore	2
Cornet	9
Corporal	176
Director	1
Doctor	1
Drum Major	11
Drummer	31
Ensign	23

Fife Major	5
Fifer	14
First Lieutenant	1
General	1
Gunner	11
Gunner's Mate	3
Lieutenant	340
Lieutenant Colonel	52
Lieutenant Colonel Commandant	5
Major	64
Major General	11
Master	3
Master & Pilot	1
Master at Arms	1
Master's Mate	2
Matross	2
Midshipman	24
Musician	3
Non-Commissioned Officer	1

Pilot	2
Private	59
Quarter Master	3
Quarter Master Sergeant	1
Regimental Surgeon	10
Sailing Master	5
Sailor	92
Seaman	25
Sergeant	521
Sergeant Major	13
Soldier	2677
Steward	2
Subaltern	23
Surgeon	34
Surgeon's Mate	14
Trumpeter	1
Rank not identified	21
Total: 4745	

A study of the "Revolutionary War Warrants Database," maintained by the Kentucky Secretary of State's Land Office, generated this statistical analysis of the number of warrants issued per military rank.

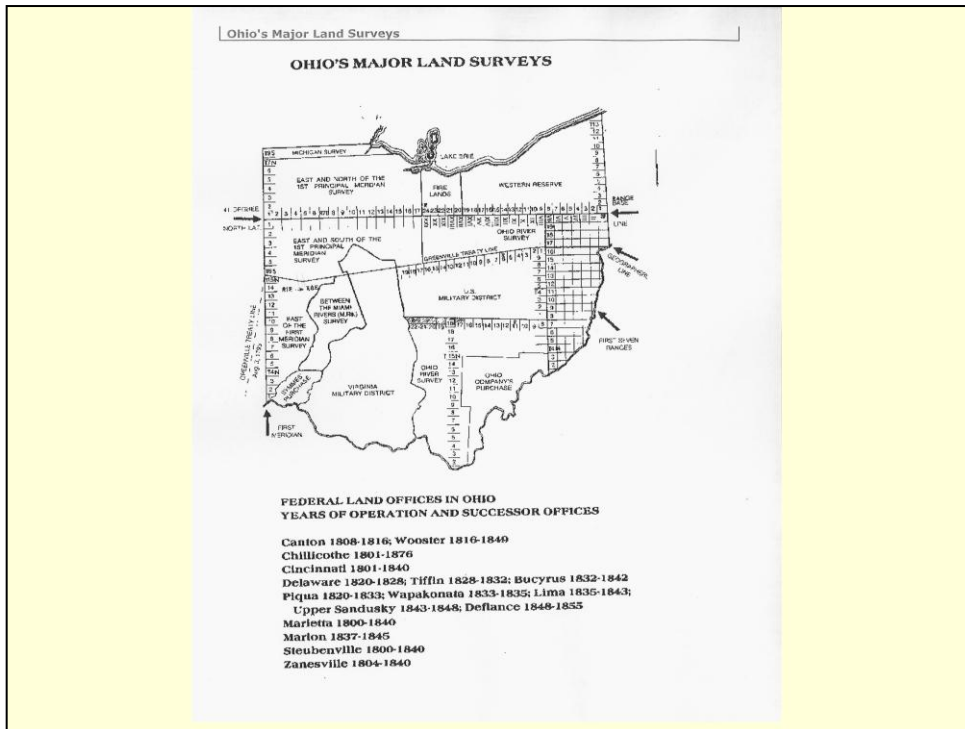
Resolution passed by the Virginia General Assembly, 2 January 1781:

"That in case the quantity of good lands of the southeast side of the Ohio upon the waters of Cumberland river, and between the Green River and the Tennessee River, which have been reserved by law for the Virginia troops upon continental establishment, and upon their own state establishment, should (from the North Carolina line bearing in further upon the Cumberland lands than was expected) prove insufficient for their legal bounties, the deficiency shall be made up to the said troops in good lands, to be laid off between the rivers *Scioto* and *Little Miamis* on the northwest side of the river Ohio, in such proportions as have been engaged to them by the laws of Virginia."




- The district lands are found in 23 counties from the Ohio River northward, between the Scioto and Little Miami Rivers, as far as 141 miles inland.
- Warrants used in the Kentucky Military District end with #4627. If research indicates a veteran received a higher number, it was most surely used in Ohio. We have also found earlier numbers might have been used in both states. If the "Authorized" field in our Revolutionary War Warrants Database is blank, we suggest you contact the Ohio Historical Society, 1982 Velma Avenue, Columbus, OH 43211 to research warrant usage.
- By Acts of Congress dated May 30, 1830, and August 31, 1852, Virginia military warrants could be exchanged for land scrip. Land scrip could be used to acquire any public lands open for entry at private sale, according to research on the Western Reserve. For further information, visit this website: <http://www.rootswest.com> Click on the Ohio GenWeb Project then "Ohio Lands".

Bounty Land Warrants issued to Virginia veterans of the Revolutionary War, their heirs and assignees authorized patents in Ohio as well as Kentucky.



This map depicts the various districts in Ohio including the Virginia Military District. For more information regarding the usage of military warrants in Ohio, contact the Ohio Historical Society in Columbus, Ohio.

Note: We have found some veterans, heirs, and assignees split the acreage allotted by the Military Warrant to patent land in both Military Districts. For example, if a Virginia veteran received a bounty land warrant for 6000 acres, he or his heirs/assigns may have patented 2000 acres in Kentucky and the remaining 4000 acres in Ohio. Warrants did not define a specific tract; the text of the warrant simply instructed the surveyor to survey a specified amount of acreage in one or more tracts inside the Military District. Since Virginia had two Military Districts, the bounty land warrants could be divided between Kentucky and Ohio.



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Compact with Virginia (1789)

An Act concerning the erection of the District of Kentucky into an Independent State

Passed the 18th of December, 1789, by the Virginia General Assembly

WHEREAS it is represented to this present General Assembly, that the act of last session, entitled "an act concerning the erection of the District of Kentucky into an independent state," which contains terms materially different from those of the act of October session, one thousand seven hundred and eighty-five, are found incompatible with the real views of this commonwealth, as well as injurious to the good people of the said district

SECTION 1. Be it enacted by the General Assembly, That in the month of May next, on the respective court days of the counties within the said district, and at the respective places of holding courts therein, Representatives, to continue in appointment for one year, and to compose a convention, with the powers, and for the purposes hereinafter mentioned, shall be elected by the free male inhabitants of each county, above the age of twenty-one years, in like manner as delegates to the general assembly have been elected within said district, in the proportions following: In the county of Jefferson, shall be elected five representatives; in the county of Nelson, five representatives; in the county of Mercer, five representatives; in the county of Lincoln five representatives; in the county of Madison, five representatives; in the county of Fayette, five representatives; in the county of Woodford, five representatives; in the county of Bourbon, five representatives, and in the county of Mason, five representatives. **Provided,** that no free male inhabitant above the age of twenty-one years, shall vote in any other county except that in which he resides, and that no person shall be capable of being elected unless he has been a resident within the said district at least one year.

SECTION 2. That full opportunity may be given to the good people of exercising their right of suffrage on an occasion so interesting to them, each of the officers holding such elections, shall continue the same from day to day, passing over Sunday, for five days including the first day, and shall cause this act to be read on each day immediately preceding the opening of the election, at the door of the court house, or other convenient place; each of the said officers shall deliver to each person duly elected a representative, a certificate of his election, and shall transmit a general return to the clerk of the supreme court, to be by him laid before the convention.

SECTION 3. For every neglect of any of the duties hereby enjoined on such officer he shall forfeit one hundred pounds, to be recovered by action of debt, by any person suing for the same.


SECTION 4. The said convention shall be held at Danville on the twenty-sixth day of July next, and shall and may proceed, after choosing a president and other proper officers, and settling the proper rules of proceeding, to consider and determine whether it be expedient for, and the will of the good people of the said district that the same be erected into an independent state, on the terms and conditions following:


SECTION 5. First, that the boundary between the proposed state and Virginia shall remain the same as at present separates the district from the residue of this commonwealth.

SECTION 6. Second, that the proposed state shall take upon itself a just proportion of the debt of the United States, and the payment of all the certificates granted on account of the several expeditions carried on from the Kentucky District against the Indians, since the first day of January, one thousand seven hundred and eighty-five.

SECTION 7. Third, all private rights and interests of lands within the said District, derived from the laws of Virginia, prior to

One of the terms of Kentucky's Compact with Virginia stipulated patents issued by Virginia Governors inside Kentucky territory, prior to statehood, were to be honored. There are 9441 patents in the Virginia Patent Series; documents are housed in Frankfort, Kentucky, in the Secretary of State's Land Office.





KENTUCKY LAND OFFICE

KENTUCKY SECRETARY OF STATE

Elaine Walker

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CHAPTER CCCV.

An Act Concerning the Original Title Papers of Land in this State remaining in the Register's Office in the State of Virginia.

Approved February 27, 1797, by the Kentucky General Assembly

BE IT ENACTED BY THE GENERAL ASSEMBLY, That Edmund Thomas is hereby authorized and appointed to apply to the executive of the state of Virginia, for all the original papers in the register's office of that state on which the titles to land in this state depend, or in any wise relating thereto; and where the originals cannot be had, to take copies of all the warrants, plats and certificates; and also of all patents that have been issued for lands lying in this state, and enter the same in well bound books to be provided by him for that purpose. And the said Edmund Thomas is hereby authorized and empowered to demand and receive from the register of the land office in the state of Virginia, all monies by him received on plats and certificates for which the patents have not issued, together with a list of their names, and the several sums paid by them as well on lands whereon the patents have not been issued as otherwise; and shall pay and account for the same to the treasurer of this state on oath, and lodge the said list with the register. The said Edmund Thomas shall secure all the books and papers that he is hereby directed to receive from the state of Virginia, in sufficient trunks, and transport the same to this state, and lodge them in the register's office, and take the register's receipt therefor.

The said Edmund Thomas shall enter into bond with sufficient security, to the governor of this state, for the time being, in the penalty of two thousand pounds, for the due and faithful performance of the duties that are enjoined him by this act, within ten months from the passage of this act. And the said Edmund Thomas shall be furnished with the sum of one thousand dollars out of the public treasury, to enable him to obtain and bring the said papers to this state, and he shall be entitled to a compensation for his services when performed.

The auditor shall grant a warrant to the said Edmund Thomas for the amount of the sum allowed by this act, and the treasurer upon the said warrant being produced to him, shall pay the same.

REF: "The Statute Law of Kentucky", Vol. I., by William Littell, page 652.

Original records, such as Warrants and Surveys, and copies recorded in Land Office Survey Books & Grant Books were transferred (in trunks) from Richmond, Virginia, to Frankfort, Kentucky, under various legislative Acts approved by both states.



Original land patent records, including those that pre-date Kentucky's statehood in 1792, are now housed in the Land Office in the Capitol Annex in Frankfort, Kentucky. Under the direction of the Secretary of State, millions of records have been cleaned, deacidified, laminated or mylar encapsulated, microfilmed, and secured in binders. Currently the records are being colorscanned for state-of-the-art preservation and online access. Data is indexed on ACCESS software then converted to SQL for online record searches for many of the patent series.

Patenting Process: Step 1

WARRANTS

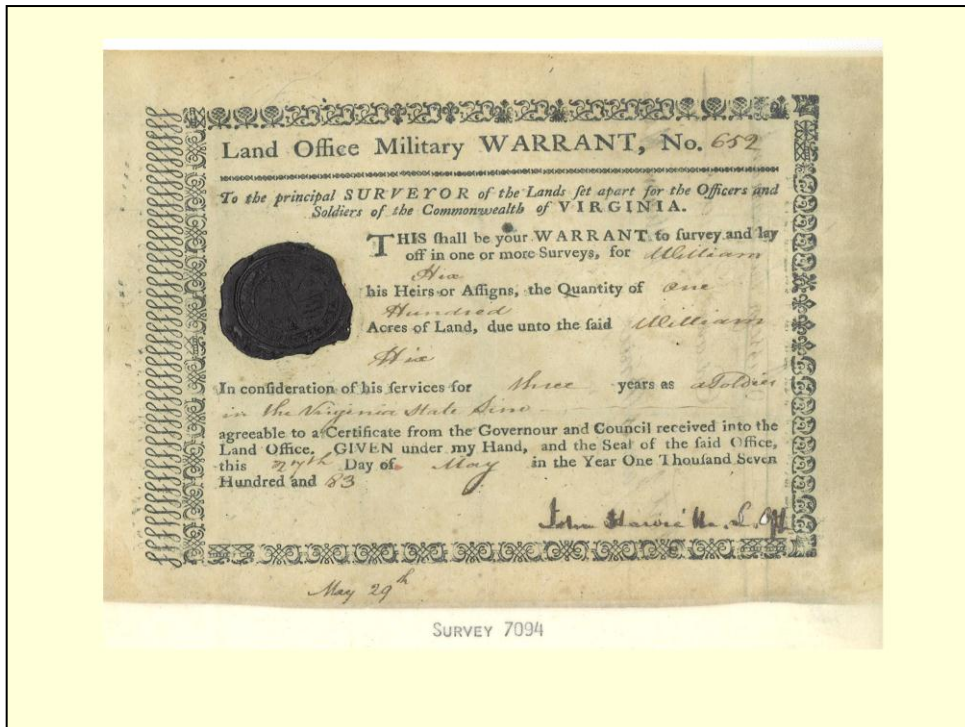
*syn. CERTIFICATES, COMMISSIONERS' CERTIFICATES, or
SPECIAL ACTS OF THE GENERAL ASSEMBLY*

FUNCTION: Authorize Entries

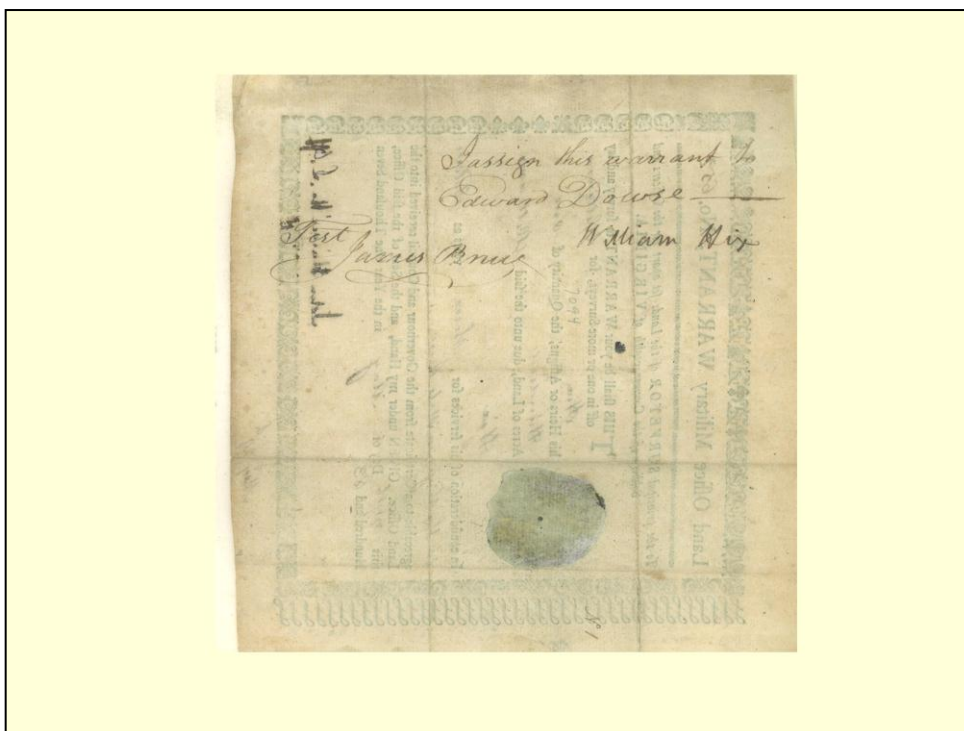
Samples: Military, Certificate of Settlement, Preemption Warrant, Treasury, Finding Salt, Clearing a Road, Poor Widows Warrant, Purchased from Kentucky Land Office, or Purchased from County Court. Legislation for Relief of Poor Persons, Certain Persons, or Establishing Academies/Seminaries

- **WARRANTS MAY BE ASSIGNED.**
- **WARRANTS MAY BE USED IN WHOLE OR IN PART.**
- **WARRANTS DO NOT CONVEY TITLE.**

Warrants are the first step in the land patenting process.



Warrants do not define a particular location. Warrants simply authorize the county surveyor to survey no more than the allotted acreage stated in the text of the warrant.



Warrants were assignable—in whole or in part. Assignments are usually written on the back of the Warrant. Land Office Staff have seen assignments cover the entire surface of the Warrant—the back and along the margins on the front. Additional assignments may be recorded on separate documents. During the research phase of document preservation, staff of the Kentucky Historical Society identified the patents authorized by many of the warrants; those numbers are included on the back of the warrant.

Patenting Process: Step 2

ENTRIES

FUNCTION: Reserve Land for Surveying

Early Kentucky, Fayette, Lincoln & Jefferson County Entries are available from the Kentucky Land Office. Subsequent Entry Books are kept on the county level.

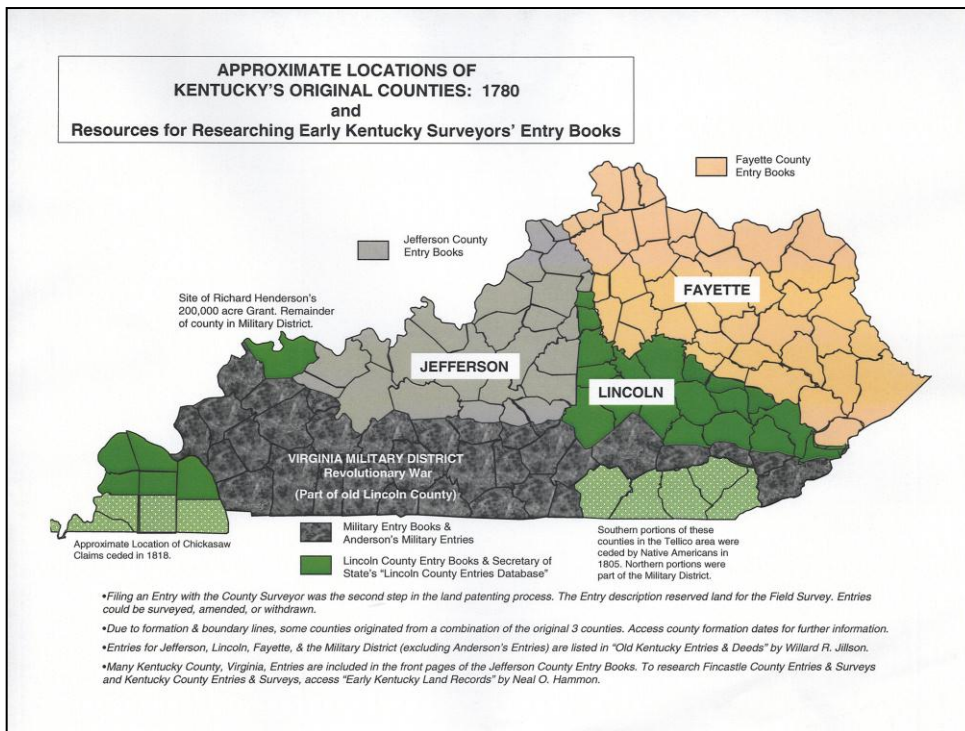
Entries include the date of filing, name of applicant, type of warrant(s) being used, warrant number(s) & the location of the land to be surveyed.

- **Entries may be withdrawn or amended.**
 - **Check marginal notations.**
 - **Entries do not convey title.**

Entries call “dibs” on property until the actual field survey is made by the County Surveyor or Deputy. Entries do not convey title. If it appears the land has been previously patented, in whole or in part, the Entry is usually withdrawn or amended.

~~Thomas Kennedy~~
Thomas Kennedy apce of James beloyed witho rans 100
acres of land part of his entry of 500 acres made on
part of a Treasury Warrant 12:10711. on an Eastern
branch of Paint lick Creek 1/2 m. and enters the aforesaid
100 acres to adjoin a Survey of 1100 acres made for
the heirs of Samuel Bell Rice on the lower side and to
adjoin the lands of Christ's Trine and lying on both
sides of the main Road leading from Lincoln fort
house to Savins Station to include the said quantity
100 + 1100 = 1200

In this instance Thomas Kennedy withdraws 100 acres of a previous entry then files an entry reserving 100 acres in a different location for field survey.



Once again county formation dates must be accessed to determine where an Entry may have been recorded. For example, Entries for part of early Pike County could have been recorded in the county surveyor's office in Fayette County (1780-1786); Bourbon County (1786-1789); Mason County (1789-1800); Floyd County (1800-1822); and Pike County (after 1822).

Many questions regarding land title in Kentucky can be traced to the failure of mother counties to transfer land records to daughter counties and the lack of a master patent map maintained by Virginia and/or Kentucky that identified patented properties. Such a map could have prevented the issuance of "junior" patents.

Patenting Process: Step 3

SURVEYS

FUNCTION: Depict & Describe the Tract being Patented

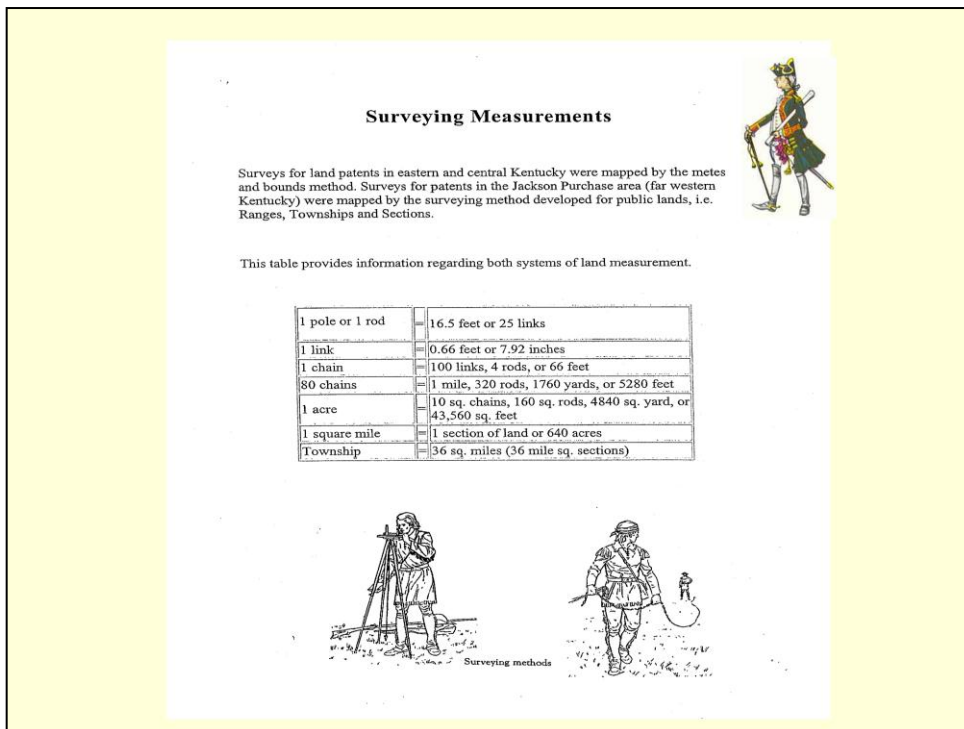
Surveys include: Plat Drawing, List of Warrant(s) being used, Name of Person(s) for whom the Survey is being made, County, Closest Watercourse, Metes & Bounds Description, Surveyor, Deputy Surveyor (if applicable), Chain Carriers, Housekeeper/Pilot/Director, Marker, Magnetic Variation, and Date of Survey.

- **SURVEYS MAY BE ASSIGNED.**
- **SURVEYS DO NOT CONVEY TITLE.**

The third step in the patenting process is the field survey conducted by the county surveyor or his deputy.

Surveys do not transfer title; surveys may be assigned.

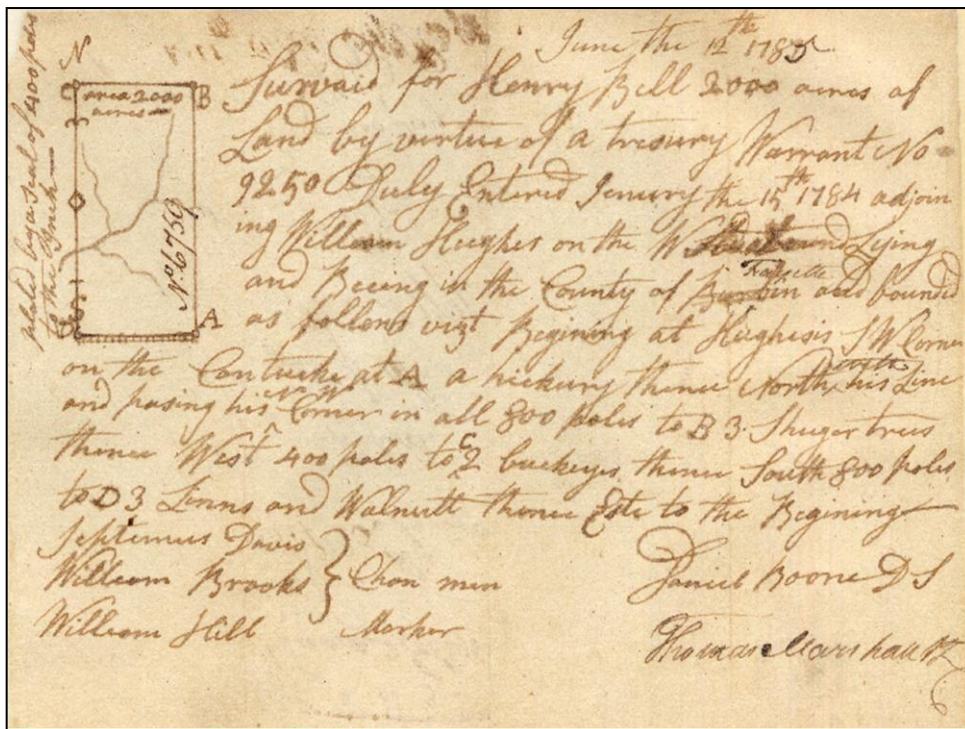
Although many researchers find entries and surveys in County Surveyor's Books, title cannot be implied. All steps in the patenting process must be followed. It is possible the person for whom the survey was made transferred the tract to another person who later received the Grant or the survey was never completed. Fees may not have been paid or it was determined the land was owned by another individual.



Under the authorization of the Warrant, or a combination of Warrants, the County Surveyor or his Deputy conducts the Field Survey. Equipment may include a transit to determine the arc and a compass to determine the bearing mounted on a tripod or Jacob's Staff. Two chainmen (CC or CM) measure the distance in a process known as "chaining." A pole or rod is 16.5'. A four-pole chain was 66' in length; a two-pole chain was 33'. (The same method of measurement is utilized during today's football games.) A Housekeeper (HK) observes the survey for procedure and a Marker (MK) blazes the trees or plants the stakes at the corners. Occasionally the Agent, Director, or Pilot accompanies the Survey Team to the field and assists in the surveying process.

A statement of magnetic variation is included on many of the surveys, including those recorded in the Virginia Patent Series.

With the exception of the Jackson Purchase, Kentucky lands were measured in metes and bounds. The Purchase area was mapped in Ranges, Townships, and Sections in 1820 shortly after the land was acquired from the Chickasaw in 1818.



A number of Surveys conducted by Daniel Boone are included in patent files for the Virginia & Old Kentucky Patent Series available on the Kentucky Secretary of State's Land Office website.

This particular Boone survey was conducted June 12, 1785, for Henry Bell under the authorization of a Treasury Warrant "duly entered." The county is identified as Fayette and the watercourse as the "Cantucke" (Kentucky River). Boone conducted field surveys in old Fayette & old Lincoln counties.

Thomas Marshall, SFC or "Surveyor of Fayette County," examined the survey for recording. (The second letter in the abbreviation beside the surveyor's signature varies according to the name of the county.)

Patenting Process: Step 4

GRANTS

FUNCTION: Finalize the Land Patenting Process

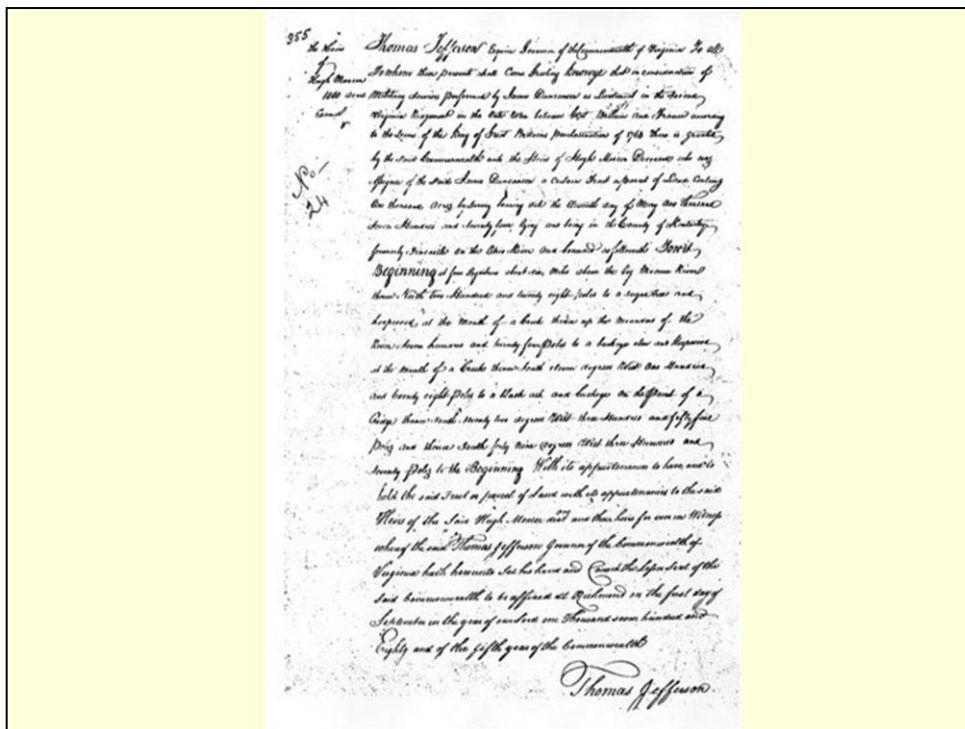
Grants include: Name of Governor or Lt. Governor, Name of Patent Recipient(s), Type of Warrant(s) Being Used, Warrant Number(s), County, Watercourse, Metes & Bounds Description, Date of Issuance, Year of the Commonwealth (Virginia or Kentucky), & the Signature of the Governor or Lt. Governor (on original document). *NOTE: Original Grants, decorated with the Seal & Official Signature are sent to the Patent Recipient. The Land Office enters a copy of the Grant in the Land Office Grant Book.*

- **Conveyances after the Grant is issued are filed with the county clerk.**
 - **There is no central deed registration in Kentucky.**
- **Conveyances may be recorded as Deeds or included in Will bequests.**

The final step in the land patenting process is the issuance of the Grant signed by the Governor or Lt. Governor of Virginia (prior to June 1, 1792) or by the Governor or Lt. Governor of Kentucky (after Kentucky's statehood, June 1, 1792). Title is conveyed when the Grant, syn. Patent Deed, is issued.

Patent files in the Virginia Series include Grants signed by Governor Thomas Jefferson and Governor Patrick Henry. The most recent Grant was signed in 2000 by Kentucky Governor Paul E. Patton; the patent is filed with the County Court Order Patent Series.

Subsequent conveyances of "patent deeds" are filed on the county level in the county clerk's office. Most are recorded in Deed Books. There is no central registration of Deeds in Kentucky. When a disaster occurs and records that haven't been preserved on microfilm are destroyed, the information is lost—and the scope of the disaster is amplified for generations.



The Grant bearing the Governor's signature and state seal are issued to the patentee. A copy of the grant is recorded in the Land Office Grant Book. Early in the history of land patenting, legislation was approved that stated the governor did not have to sign the Grant Book recording.

The online images of land patent files include copies of the entry in the Land Office Grant Books as the original Grants are not available.

The description in the Land Office copy of the Grant may differ from the Field Survey due to clerical errors. In those instances, researchers should use the Survey description.

QUICK GUIDE: KENTUCKY LAND PATENT SERIES

- The patent series indicates what types of warrants were used to authorize surveys. Each series is based on time period and land location. The nine major groupings are as follows:
- **Virginia Series** (Grants issued prior to 1792) -- 9,441 surveys
- **Old Kentucky Series** (Grants issued from 1792-1815) -- 7,668 surveys
- Patents in the Virginia and Old Kentucky Series were authorized by French and Indian War Warrants, Treasury Warrants, Importation Warrants, Acts for the Relief of Certain Poor Persons, Acts for the Establishment of Academies and Seminaries, Warrants for Finding Salt, Warrants for Clearing Roads, Certificates of Settlement, and Preemption Warrants.
- **South of Green River Series** (Grants from 1795 forward) -- 16,664 surveys
- This series opened the Military District to settlement by non-veterans. County commissioners approved the issuance of warrants/certificates to residents purchasing no more than 400 acres of unappropriated land. Applicants had to meet age and residency requirements and they had to have occupied the land one year prior to application. An improvement, such as a cabin or a crop, was also required. The original 1795 Act of the General Assembly required the applicants to be 21 years of age or older. The minimum age was lowered in 1798 to 18. Due to errors in patent series assignments, a number of patents in the South of Green River Series are located outside the region. Some are as far north as Pendleton County.
- **Tellico Series** (Grants in southeast Kentucky) -- 590 surveys
- This area was purchased from the Cherokee Indians in 1805. Under the Act of 1810, settlers meeting the six-month residency requirement could patent up to 200 acres of land by paying \$40 per 100 acres. Due to errors in patent series assignments, a number of patents in the Tellico Series fall out of the Tellico Region.
- **Kentucky Land Warrant Series** (Grants from 1815 forward) -- 26,080 surveys
- These warrants were purchased or issued by the Kentucky Land Office. Many were authorized by the General Assembly for the development of Kentucky's infrastructure, i.e., proceeds from warrant sales were used to build roads.
- **South of Walker's Line Series** (Grants from 1820 forward) -- 4,327 surveys
- These patents are located in northern Tennessee. They generally run to the 36 degrees 30 minute parallel or the baseline of the Jackson Purchase. The Kentucky Land Office has patent records for the following Tennessee counties: Sumner, Smith, Robertson, Macon, Montgomery, Stewart, Jackson, Claiborne, Clay, Fentress, Pickett, Scott and Campbell.
- **West of Tennessee River Military Series** -- (Grants from 1821 to 1828) -- 242 surveys
- This area was purchased from the Chickasaw Indians in 1818. A number of Revolutionary War soldiers occupied the land, known later as the Jackson Purchase, without having clear title. In 1820, the Kentucky General Assembly advised the veterans to immediately file for patents.
- **West of Tennessee River Non-Military Series** (Grants from 1822 to 1900) -- 9,308 surveys
- While the Revolutionary War veterans were patenting their land, the Jackson Purchase was being mapped in ranges, townships and sections by William Henderson. In 1821, the General Assembly authorized the auctioning of "odd sections" in the West of Tennessee River area. Sales would be held in Princeton. Upon presentation of a receipt, the Register issued a certificate authorizing the grant. In 1825, public sales were authorized in Wadsworth in Calloway county. The state set a minimum price per acre for the land sales. By 1835, that price had been reduced to 12.5 cents per acre.
- **County Court Order Series** (Grants from 1835 to present date) -- 70,238 surveys.
- In 1835, the General Assembly granted county courts the right to issue warrants authorizing surveys. Fees are set locally, however, the law requires a minimum of \$5 per 100 acres of unappropriated land. The County Court Order Patent Series is codified in Chapter 56 of the Kentucky Revised Statutes.

The "Quick-Guide: Kentucky Land Patent Series" provides a short summary of each of the patent series. Patent files are housed in the Capitol Annex in Frankfort and are maintained by the Office of the Kentucky Secretary of State.

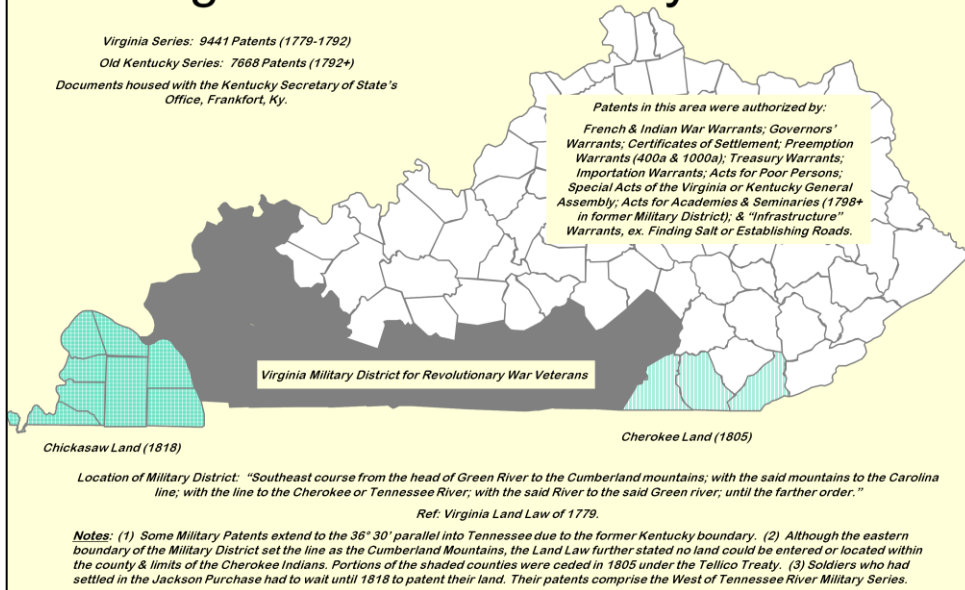
Complete text of legislation creating each patent series is available in the "Legislation" Channel of the Kentucky Secretary of State's Land Office Website under "Reference Library."

KENTUCKY LAND PATENTS: Virginia & Old Kentucky Series

Virginia Series: 9441 Patents (1779-1792)

Old Kentucky Series: 7668 Patents (1792+)

Documents housed with the Kentucky Secretary of State's
Office, Frankfort, Ky.



The gray-shaded area depicts the Virginia Military District in Kentucky reserved for Revolutionary War veterans, heirs, and assignees. The Chickasaw Indian Nation owned the lower half of the Jackson Purchase area until 1818. The entire area was mapped by Ranges, Townships, & Sections in 1820. Patents in the Jackson Purchase area are available on the Secretary of State's Land Office Website under the "West of Tennessee River Military" and "West of Tennessee River Non-Military" channels. Both websites link to colorscanned images of patent files. The "West of Tennessee River Non-Military Database" also links to the Loughridge Map depicting the township in which the patented land is located.

The Cherokee Indian Nation ceded a portion of southeastern Kentucky in 1805 in the Treaty of Tellico. Land Patents in that area are filed in the Tellico Series established in 1810 by the Kentucky General Assembly. The Kentucky Secretary of State's Office plans to launch the "Tellico Database", complete with images of patent files, later in 2011.



PART TWO

OTHER KENTUCKY LAND RECORDS

In this portion of our presentation we discuss other resources for studying Kentucky land records.

- **DEEDS:** Transactions after land is patented.

Filed on the county level with the county clerk. May also be researched by contacting the Kentucky Department for Libraries & Archives, Frankfort.

There is no central registration of Deeds in Kentucky.
Remember county formation dates!

Establish a “chain-of-title” by starting with present owners then working backward through county records to identify past owners (the next links in the chain). Ultimately most deeds refer to the initial patent.



Most conveyances after patents are issued are recorded in county deed books. The chain-of-title may trace back to multiple counties due to county formations. A County Formation Table is included on the Kentucky Secretary of State's Land Office Website under the “Reference Library” channel.

Mineral Leases and Severances are recorded in deed books or in separate volumes in the county clerk's office.

TYPES OF DEEDS

- **Commissioners' Deeds**

Land sales conducted by the Master Commissioner for delinquent taxes, mortgage forfeitures, etc. May be indexed in a separate book by the county clerk. If recorded with the Deeds, may be listed as "Commissioner" in the Grantor Index rather than the property owner's name.

Properties have been sold by court-ordered commissioners since Kentucky was a part of Virginia. The County Clerk organizes the Deed Room, including the filing of records. Some counties record Commissioners' Deeds in "Commissioners' Books"; other counties may incorporate Commissioners' Deeds in deed books. Over time, some Commissioners' Deeds may have been recorded in both systems.

- **Processioners' Deeds**

Processioners are appointed by the court to divide lands involved in an estate settlement or property dispute. These deeds often include plat drawings of the divided property and their designated owners. Deeds may be recorded in the county clerk's office with other county deeds or may be included in separate volumes. These deeds may also be part of the final estate settlement papers filed with the circuit court clerk.

If an individual dies intestate, the court may appoint neutral parties, known as Processioners, to divide the land owned by the deceased among the heirs. A map depicting property division is usually filed by the Processioners.

Processioners' Books are housed in the county clerk's office. Processioners' records may also be included in deed books in the County Clerk's Office.

- **WILLS: BEQUEATH PROPERTY**

In some instances you will find property transferred in Kentucky by Will rather than by Deed. Wills often include plat drawings of divided property including names of designated owners. Wills are filed on the county level with the county clerk. Early estate settlements may be found with the county clerk; for more recent settlements, contact the circuit court clerk.

Wills can be a valuable resource for studying Kentucky Land Title.

- **LAND PATENTS**

If a land patent hasn't been sold, the wording on the Grant conveys the patent to the patentee's heirs. In many instances that conveyance is not recorded with the county clerk. It is important for the heir(s) to register their land ownership with the Property Valuation Administrator for taxation purposes.

(Note: Transfers of patents between individuals often result in an assignment on the Grant and the transfer isn't recorded with the county clerk. Again, registration for tax purposes may be the only indication there is a new owner for the tract.)

When a land patent is issued, the wording on the Grant automatically conveys title to the patentee and his/her heirs. If the patentee sold part or all of the property before his or her death, the land is no longer available to his or her estate.

OTHER RESOURCES

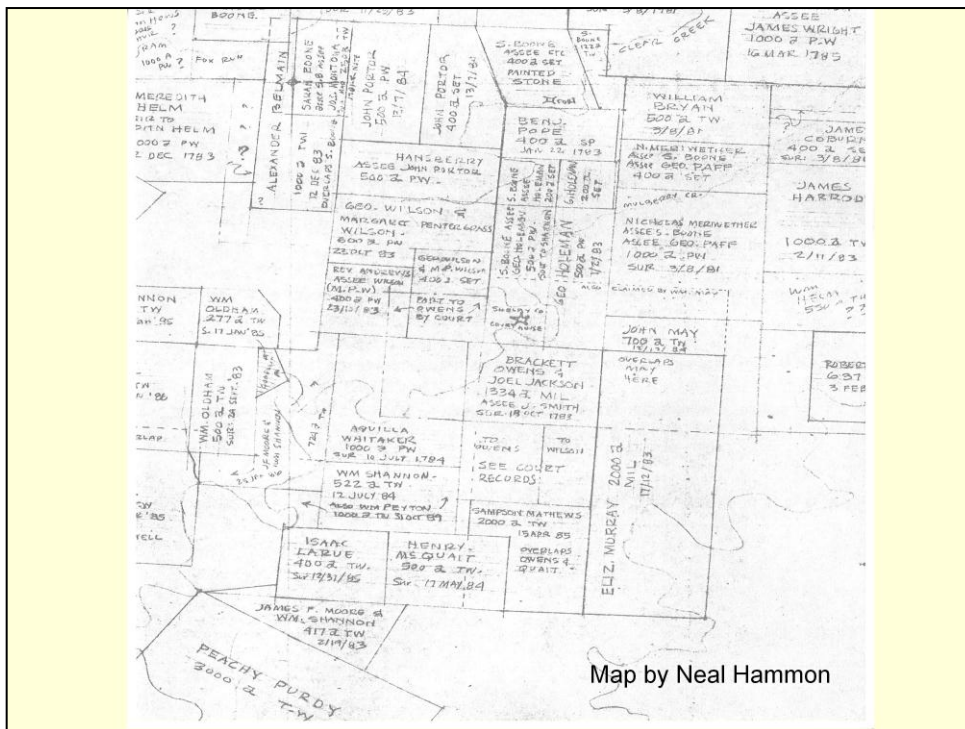
- Court case(s) can provide valuable information if an area has been litigated. Case files may include deed references, affidavits, maps, & court decisions.
 - Circuit Court Records may be available locally or at the Kentucky Department for Libraries & Archives, 300 Coffee Tree Road, Frankfort, KY 40601 (502-564-8300).
 - Contact the State Law Library, Capitol Building, Frankfort, KY 40601 (502-564-4187) for cases decided by the Kentucky Court of Appeals, Kentucky Supreme Court, & courts of higher jurisdiction.
- District or Regional Mining Offices: Maps, Deeds, & Leases
- U.S. Forest Service: Maps, Deeds & Leases
- Department for Natural Resources, Mine Permits (502-564-2320)
- Department of Revenue, Division of Minerals Taxation & GIS Services (502-564-5977)

Other information regarding land title may be located in court cases, mining information, and revenue files.

PATENT MAPS



- Although no master patent map was constructed by the Virginia or Kentucky Land Office, many local historians have researched Kentucky land patents and developed patent maps for their area. Contact your local historical society, county surveyor, county clerk, or library to determine if patent maps exist for the area in which you are interested.



This patent map, constructed by noted historian Neal Hammon, depicts early patents in Shelby County. As patents are added, overlaps (or shingling) may occur. Such overlaps may result in litigation to determine rightful owners.

(Research tip: If a patent map depicts overlapping claims, court records could be a valuable resource for affidavits, maps, judgments, etc.)

Construct a Map!

- Run your chain of title back to patent. Find a survey that can serve as an “anchor patent” then place the patent on a topo map. (Topo maps are available online or from the UK Geological Survey Office in Lexington.)
- Use traditional methods for survey plotting or access the internet for software to plot the deeds emanating from the patent.
- Visit the site, walk the land, find a long lost cemetery, and enjoy the view your ancestors enjoyed years ago. It can be done!
- Donate a copy of your map to your local historical society for future researchers to enjoy.

Patent Maps are not always constructed for title purposes. Researchers, such as historians and genealogists, plot land patents so they may walk the land their ancestors walked when they first came to Kentucky. Be forewarned, the process of creating a “patent quilt” can become addictive!

BOOKS & PUBLICATIONS

- “Kentucky Land Grants” by Willard Rouse Jillson lists grant recipients for all patent series with the exception of the West of Tennessee River Military Patents.
- “Old Kentucky Entries & Deeds” by Willard Rouse Jillson identifies persons who filed Entries in early Fayette, Lincoln, & Jefferson counties as well as the Military District. Revolutionary War Warrants are also included as well as an index of Court of Appeals Deeds.
- “Stockading Up” by Nancy O’Malley, Dept. of Anthropology, UK, is a compilation of patent maps, history and genealogy regarding early settlers and stations in central Kentucky.

In this short Bibliography we list a few of the books and publications that may help you with your research.

- “Early Kentucky Land Records” by Neal Hammon lists Fincastle and Kentucky County Entries, Commissioners’ Records, and Military Surveys.
- Publications by the Kentucky Historical Society are indexed by Survey Name and cross-indexed by Grant Name for all patent series except the County Court Orders.
- Cook Publications include Court of Appeals Deeds and other county records.
- Local historians have published such books as Lincoln County Deeds, Bullitt County Tax Lists, and others. Check your local historical society!

Tax Lists Identify Land Patent History & Family Information



Tax Lists are a valuable resource for studying land ownership, property location, and patent history. An article regarding the significance of Tax List Research is posted on the Kentucky Secretary of State's Land Office Website under the "Reference Library" channel.

HEADERS: 1830 Tax Lists

- Persons Names Chargeable with Tax
- Land: 1st Rate, 2nd Rate, or 3rd Rate
- County in which Land lies
- Watercourse
- In whose name(s) the land was entered, surveyed, & patented (This information is included from 1795 through the mid-1830's.)
- White Males over 21 years
- Blacks over 16 & Total Blacks
- Horses; Mares; Mules & Jennies; Stud Horses & Jacks; & Rates of covering per season
- Wholesale & Retail Stores; Tavern Licenses
- Billiard Tables; Wheel Carriages; Value of Land per Acre
- Total Value, except Stud Horses, Jacks, & Billiard Tables

HEADERS: 1845 Tax Lists

- Persons' Names
 - Land; County; Watercourse; Value of each tract
 - Town Lots; Value of each Lot
 - White Males over 21; Slaves over 16; Total Slaves; Value of Slaves
 - Horses; Mares; Mules; Jennies; Cattle (\$50 Deduction); and their Value
 - Stores; Pleasure Carriages; Buggies; Pianos; Gold Spectacles; Gold Watches; Silver Lever Watches
 - Tavern License; Number of Children between 5 & 16
 - Value (of property under Equalization Law)
-
- 1850 Tax Lists also include the number of Qualified Voters, and the number of free white persons that are blind, deaf & dumb in the household.

HEADERS: 1875 Tax Lists

- Full names of Taxpayers
- Land, each tract in Acres
- Name of Nearest Resident
- Election Precinct No.; Value of Lands
- Town Lots, Town or City, No. of Lots on Town Plat, Value of Town Lots
- Horses & Mares; Mules, Jennets, Cattle (\$50 Deduction); and their Value
- Stores, Pleasure Carriages, Buggies, Stage Coaches, Barouches, Gigs, Omnibuses & other Passenger Vehicles; Value of Gold, Silver & other Metallic Watches & Clocks, Gold & Silver Plate, and Pianos; Total at \$.45 per \$100.
- White Males over 21; Legal Voters; Enrolled Militia; Children between 6 & 20 years old
- Hogs over 6 months old; Studs, Jacks & Bulls; Rates per Season
- Tavern Licenses; No. of Dogs over two; No. of Sheep killed by Dogs; Value of Sheep killed by Dogs
- White persons that are blind & post office; White persons that are deaf and dumb & post office
- Pounds of Tobacco; Pounds of Hemp; Tons of Hay; Bushels of Corn; Bushels of Wheat; Bushels of Barley; Tons of Pig Metal (iron); Tons of Bloom (wrought iron); Tons of Bar Iron.

RESEARCHING TAX LISTS

- Tax Lists are available on microfilm at the Kentucky History Center, KDLA, and LDS Libraries. (We have found different repositories may have different information.) Some county tax lists include tithable reports prior to 1792.
- County tax lists from 1795 to the mid-1830's, may provide critical information regarding original land patent recipients.
- Tax lists should span from the year of county formation through the mid-1880's.
- Study Acts of the General Assembly to determine tax laws.
- Women, Free Blacks (40 years before the Civil War), & Pensioners are included on Tax Lists; occasionally they are listed as exempt.
- Tax Lists may include two or three districts.
- The "Company" header identifies the name of the Captain of the Militia Company receiving the taxes.
- Minors, if they are the head of the household, are included on tax lists.
- Tax Lists are available from KDLA for duplication; we recommend positive rather than negative microfilm.
- Tax Lists may serve as an "Annual Census"—"hiding from the tax man" had severe penalties.

Microfilm of Tax Lists may also be available at a local public library. If not, the library may be able to arrange an inter-library loan of microfilm from KDLA. Each roll of film is limited to a particular county; multiple tax years are included on each roll. Tax Lists range from the year the county was created through the mid-1880's, however some years may be missing due to failure to submit reports, lost records, etc.

THE INTERNET



- Local researchers are adding land information to county history & genealogy websites.
- The Bureau of Land Management is an excellent resource for tracking land grants in federal public domain states. The site includes scanned images of the President's Grant.
- Many records pertaining to Kentucky Land are available on the Kentucky Secretary of State's Land Office website at <http://www.sos.ky.gov>.

Kentucky is a state-land-state; the Commonwealth determines the land appropriation process and maintains patent records.

The United States Bureau of Land Management is the repository for information regarding federally-issued land patents in public domain states. Kentucky Land Patents are not included on the BLM Website.


Kentucky.gov

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KENTUCKY LAND OFFICE

KENTUCKY SECRETARY OF STATE

Elaine Walker

Secretary's Desk | Business Services | Elections | Administrative Services | Kentucky Land Office | Executive

Kentucky Secretary of State > Kentucky Land Office > Non-Military Registers & Land Records > Overview

Kentucky

Kentucky Land Office

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Non-Military Registers & Land Records

Certificates of Settlement & Preemptions

Virginia Treasury Warrants

Lincoln County Entries

Kentucky County Formations

Wills

Jackson Purchase Land Locator

Patent Series

Land Office Order Form

Database Searches

Land Office Journal

Reference Library

History

Overview

In Kentucky, there are four steps involved in land patenting: 1. the Warrant (or Warrants) authorizing the survey, 2. the Entry reserving the land for patenting, 3. the field Survey, and 4. the Governor's Grant finalizing the patent. No title is conveyed until the Grant is issued. The Kentucky Secretary of State's Land Office is the repository for all records pertaining to patents issued within the Kentucky boundary, including patents issued by the state of Virginia prior to Kentucky's statehood in 1792.

In Non-Military Registers and Land Records, we include databases and frequently asked questions regarding patents that were not authorized by military warrants. We are also including databases relating to land locations and portions of patents, such as Entries and Warrants.

Certificates of Settlement & Preemption Warrants

One of the provisions of the Land Law of May 1779, passed by the Virginia General Assembly, was the development of a land patenting process for early Kentucky settlers. All persons who had made an improvement and planted a crop in Kentucky prior to January 1, 1778, were entitled to a 400 acre Certificate of Settlement. An additional 1000 acres, adjacent to the [Certificate of Settlement](#) tract, could be purchased under a Preemption Warrant. Persons who had made an improvement and planted a crop in Kentucky County, Virginia, after January 1, 1778, and May 1779, could purchase a 400 acre Preemption Warrant. This database identifies those settlers whom the Land Commission deemed qualified for Certificates of Settlement and Preemption Warrants. The "Authorized" field may link the database to scanned images of Kentucky patents authorized by Certificates of Settlement and Preemption Warrants. Scanned images of Kentucky's historic "Doomsday Book" are included on this site.

Virginia Treasury Warrants

One of the provisions of Chapter XIII, Land Law B of May 1779, expanded the land patenting process to include acquisitions under Treasury Warrants. This database includes information for all entries in the [Virginia Treasury Warrants](#) Registers, Vols. I & II, as copied by Edmund Thomas, Register of the Kentucky Land Office, and certified by William Price, Register of the Virginia Land Office. Warrant numbers range from 1 to 23082 and span from October 15, 1779, to December 24, 1783. Included are 300 Treasury Warrants issued to General Rogers Clark for the purpose of recruiting his battalions.

Lincoln County Entries

In 1780 Kentucky County, Virginia, was divided into three counties, i.e. Jefferson (county seat: Louisville); Fayette (county seat: Lexington); and Lincoln (county seat: Harrodsburg). Each of the three counties had a Principal Surveyor who conducted field surveys and oversaw the work of Deputy Surveyors in his county. Each office maintained an Entry Book which listed the name(s) of persons reserving land for patenting, the amount of land being reserved, the authorizing warrant(s), the date the Entry was filed, and an approximate land location. Marginal notations indicated if the Entry was later surveyed, amended or withdrawn. Entry books could be used to decide land disputes when there were multiple claims for all or part of a land tract.

This website lists 4763 entries filed with the [Lincoln County](#) Surveyor's Office from November 3, 1779, to April 19, 1792. (Note: Although Lincoln County, Virginia, at covered one-third of the state, excluding the Jackson Purchase, this Entry Book does not include Entries filed in the area South of Green River reserved for patents authorized by Revolutionary War warrants. Those Entries were filed with the Principal Surveyor's Office for the Military District.)

Kentucky County Formations

We invite you to visit the Land Office Website hosted by Secretary of State Elaine N. Walker.

Open the various channels and sub-channels to access online information and images of many of our land patent files.

QUICK GUIDE: KEY POINTS TO REMEMBER

- The federal government does not issue land patents in Kentucky. Kentucky patents are authorized by Acts of the Virginia General Assembly (prior to 1792) or the Kentucky General Assembly.
- Warrants do not identify a certain tract or location.
- Neither warrants nor surveys convey title. Every step in the patent process must be followed. The Governor's Grant finalizes the patenting transaction.
- Military grants comprise a small portion of Kentucky land patents. Most patents were authorized by purchasing treasury, state, or county warrants/certificates.
- The only military warrants honored in Kentucky were for service in the French and Indian War and the Revolutionary War.
- Kentucky did not honor warrants for service in the War of 1812, the Mexican War, or subsequent conflicts. Those warrants had to be used in federal public domain states, such as Missouri or Illinois. (This partially explains the move westward by some Kentucky veterans or assignees; they had to relocate to a state that honored federal bounty land warrants.) Contact the Central Reference Division, National Archives, Pennsylvania Avenue, 8th St. NW, Washington, D.C. 20408 for information regarding military service, federal bounty land, and pension applications.

- The Secretary of State's Office is the repository for over 100,000 patent files containing warrants, surveys, and grants. Researchers do not have to travel to Virginia to research Kentucky land patents prior to 1792. Those records were sent to Frankfort shortly after Kentucky became a state.
- Kentucky county formation must be considered when researching any facet of Kentucky history.
- There is no central registration of deeds in Kentucky. Deeds are filed on the county level with the county clerk along with wills and marriages. Courthouse disasters, such as fires or thievery, are just that -- disasters. Records not previously microfilmed or removed for preservation are lost. Check the Grantor AND Grantee indices; some conveyances may be recorded in one book but not the other. Research processioners' books and court judgments for division of disputed or inherited land.
- Be creative when researching land patents and all land records! Names were spelled phonetically in many instances. Tax Lists may be indexed by given name rather than surname!

- Patents were issued to women as early as the 1700s. In some instances, they were heirs finishing patents initiated by their husband or a family member. In 1820, the Kentucky General Assembly allowed poor widows to patent up to 100 acres of land without fee payment.
- African-Americans patented land in Kentucky prior to the Civil War.
- Land Office holdings are limited to land patents only. Although applications listing parents, family history, etc., were not required, there are instances in which wills, or other affidavits of descent, are part of the patent file.
- Not all Kentucky Patent Series are online. Contact the Kentucky Land Office for access to original patent files. The Kentucky History Center Library has printback books of Land Office Surveys and Grants. (These are ideal for researching an area rather than a family.) Microfilm reels of all original Warrants, Entries, Surveys, and Land Office copies of Grants are available at the Kentucky History Center.
- The Kentucky Department for Libraries & Archives is the state repository for county records, such as Wills and Deeds.



PART TWO

WHAT'S NEXT?

RESEARCH !

Thank you for accessing our online presentation entitled "Land Office Seminar A."

We invite you to download "Land Office Seminar B" and the accompanying supplemental notes as we complete our program for Title Researchers in Eastern Kentucky.



Thank you for
your efforts to
preserve our
history!

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